

EXHIBIT 1

IN THE CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA

**HAZEL M. ROBY, as Administratrix
Of the Estate of RONALD TYRONE
ROBY, Deceased,**

Plaintiff,

VS.

BENTON EXPRESS, INC., THE ESTATE OF CRAIG ANTHONY STEVENS; Fictitious Defendants "A", "B", and "C", whether singular or plural, those other persons, firms, corporations, or other entities whose wrongful conduct caused or contributed to cause the injuries and damages to the Plaintiffs, all of whose true and correct names are unknown to Plaintiffs at this time, but will be substituted by amendment when ascertained.

Defendants.

SUMMONS

This service by certified mail of this summons is initiated upon the written request of Plaintiffs' attorney pursuant to the Alabama Rules of Civil Procedure.

NOTICE TO: Benton Express, Inc.
C/o Rodney Nix
4141 Thomasville Highway
Moultrie, Georgia 31768

11

The Complaint which is attached to this summons is important and you must take immediate action to protect your rights. You are required to mail or hand deliver a copy of a written Answer, either admitting or denying each allegation in the Complaint to

**LaBarron N. Boone
BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES, P.C.
Post Office Box 4160
Montgomery, Alabama 36103-4160**

the attorney for the Plaintiffs. THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS FROM THE DATE OF DELIVERY OF THIS SUMMONS AND COMPLAINT AS EVIDENCED BY THE RETURN RECEIPT, OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward.

10 min after

DATED: 04/22/05

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CIRCUIT COURT OF
MONTGOMERY COUNTY
2005 APR 20 PM 2:28

**IN THE CIRCUIT COURT FOR
MONTGOMERY COUNTY, ALABAMA**

**HAZEL M. ROBY, as Administratrix of
the Estate of RONALD TYRONE
ROBY, Deceased,**

Plaintiff,

V.

BENTON EXPRESS, INC; Fictitious Defendant "A", the employer of Craig Anthony Stephens; Fictitious Defendant "B", the supervisor of Craig Anthony Stephens; Fictitious Defendant "C", the Owner of the vehicle driven by Craig Anthony Stephens; Fictitious Defendant "D", the Safety Director of Benton Express, Inc.; Fictitious Defendants "E," "F," "G," and "H," whether singular or plural, those other persons, firms, partnerships, corporations, and/or other legal entities whose wrongful conduct caused or contributed to cause the death of RONALD TYRONE ROBY, all of whose true and correct names are unknown to the Plaintiff at this time, but will be substituted by amendment when ascertained.

Defendants.

CIVIL ACTION NO.
CV-2005-996

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MONTGOMERY COUNTY
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COMPLAINT

STATEMENT OF THE PARTIES

1. Plaintiff, Hazel M. Roby, is over the age of 19 years and resides in Montgomery County, Alabama.
2. Plaintiff is the widow of Ronald Tyrone Roby and is the duly appointed Administratrix of the Estate of Ronald Tyrone Roby.

3. Defendant Benton Express, Inc. is a foreign corporation whose principal place of business is 1045 South River Industrial Boulevard South, Atlanta, Georgia.

4. Fictitious Defendant "A" is the employer of Craig Anthony Stephens.

5. Fictitious Defendant "B" is the supervisor of Craig Anthony Stephens.

6. Fictitious Defendant "C" is the owner of the vehicle driven by Craig Anthony Stephens.

7. Fictitious Defendant "D" is the safety director of Benton Express, Inc.

8. Fictitious Defendants "E," "F," "G," and "H," whether singular or plural, are those other persons, firms, partnerships corporations or other entities whose wrongful conduct caused or contributed to cause the death of Ronald Tyrone Roby.

9. The true and correct names of all fictitious Defendants are unknown to Plaintiff at this time, but will be substituted by amendment when ascertained.

STATEMENT OF THE FACTS

10. At all times material hereto, Craig Anthony Stephens was employed by Benton Express, Inc.

11. On April 11, 2005, Ronald Tyrone Roby, was operating a motor vehicle in a southerly direction on Interstate Highway I-65 at the I-65/I-85 Interchange in Montgomery County, Alabama..

12. On the aforesaid date, Craig Anthony Stephens was operating an 18-wheel tractor and trailer at the I-65/I-85 Interchange.

13. Prior to reaching the I-65/I-85 interchange, Craig Anthony Stephens had been driving in a reckless and highly dangerous manner.

14. Defendant Benton Express, Inc. owned the vehicle operated by Craig Anthony Stephens.

15. At all times pertinent hereto Craig Anthony Stephens was an agent of Benton Express, Inc. and was acting within the line and scope of his employment.

16. This action is brought pursuant to *Code of Alabama*, §6-5-410.

COUNT ONE
(Negligence)

17. Plaintiff realleges paragraphs 1 through 17 of the complaint as if fully set out here in.

18. At the aforesaid time and place, Craig Anthony Stephens negligently operated the 18-wheel tractor trailer he was driving causing it to fall off Interstate Highway I-85 and crash into the vehicle driven by Ronald Tyrone Roby.

19. The Roby vehicle was caused to explode into flames and burn.

20. Ronald Tyrone Roby died in the collision and resulting fire.

21. As a proximate consequence of Craig Anthony Stephens' negligence, Ronald Tyrone Roby was wrongfully killed.

Wherefore, Hazel M. Roby, as Administratrix of the Estate of Ronald Tyrone Roby, deceased, demands judgment against Defendants in such amount as a jury may award and her costs of this action.

COUNT TWO
(Wantonness)

22. Plaintiff Hazel M. Roby realleges paragraphs 1 through 16, 19, and 20 of the complaint as if set out here in full.

23. At the aforesaid time and place, Craig Anthony Stephens so wantonly operated his the 18-wheel tractor-trailer so as to cause it to crash on top of the vehicle being driven by Ronald Tyrone Roby.

24. As a proximate consequence of Craig Anthony Stephens' wantonness, Ronald Tyrone Roby was wrongfully killed.

Wherefore, Plaintiff, Hazel M. Roby, as Administrator of the Estate of Ronald Tyrone Roby, deceased, demands judgment against Defendants in such amount as a jury may award and her costs of this action.

JL Beasley

JERE L. BEASLEY (BEA020)
LABARRON N. BOONE (BOO029)
JULIA A. BEASLEY (BEA039)

OF COUNSEL:

**BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.**
218 Commerce Street
Post Office Box 4160
Montgomery, Alabama 36103-4160
(334) 269-2343 – Telephone
(334) 954-7555 – Facsimile

PLAINTIFF DEMANDS A TRIAL BY JURY

JL Beasley

OF COUNSEL

Defendants may be served as follows:

Benton Express, Inc.
c/o Rodney Nix
4141 Thomasville Highway
Moultrie, Georgia 31768

**IN THE CIRCUIT COURT FOR
MONTGOMERY COUNTY, ALABAMA**

HAZEL M. ROBY, as Administratrix of §
the Estate of RONALD TYRONE §
ROBY, Deceased. §

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v.

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Defendants.

CIVIL ACTION NO.
CV-2005- 996

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CIRCUIT COURT OF
MONTGOMERY COUNTY

2005 APR 20 PM 2:28

NOTICE OF VIDEOTAPED DEPOSITION

Please take notice that on June 20, 2005, at 218 Commerce Street, Montgomery, Alabama 36104, pursuant to the Alabama Rules of Civil Procedure 30(b)(5) and (6), the Plaintiff in the above-styled and referenced matter will take the videotaped deposition of Benton Express, Inc. Benton Express, Inc. shall designate one or more officers, directors, managing agents, or other persons with authority to bind Benton Express, Inc. and who

consent to testify on behalf of Benton Express, Inc. Said designee(s) shall testify as to all matters known or reasonably available to Benton Express, Inc. Plaintiff requests that Defendant, Benton Express, Inc. produce for examination the person or persons familiar and most knowledgeable with all matters known or reasonably available to the corporation regarding the deposition topics hereinafter set forth. The deposition will take place at a mutually agreed upon place and time by the parties, and will continue thereafter from day to day until completed. Said deposition shall be recorded by videographic and stenographic means.

The plaintiff will depose the company/corporate representative of Benton Express, Inc. selected by said defendant as being the person(s) most familiar and knowledgeable with the following topics:

1. The wreck that occurred on April 11, 2005, in Montgomery County, Alabama, at the interchange of Interstate Highways I-85 and I-65, involving Craig Anthony Stephens and Ronald Tyrone Roby.
2. The policies and procedures of Benton Express, Inc. as they relate to drivers of 18-wheel tractor and trailers.
3. The personnel file of Craig Anthony Stephens.
4. The selection, training, and retention of drivers for Benton Express, Inc.



JERE L. BEASLEY (RBA020)

OF COUNSEL:

**BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.**

218 Commerce Street
Montgomery, Alabama 36103-4160
(334) 269-2343 – Telephone
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**TO BE SERVED UPON DEFENDANTS WITH THE
SUMMONS AND COMPLAINT**